UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA STATESVILLE DIVISION 5:21-cr-70-KDB-SCR-3

UNITED STATES OF AMERICA,)
Plaintiff,)
VS.	ORDER
PHILLIP ANTHONY GODFREY,)
Defendant.)))

THIS MATTER is before the Court on Defendant's pro se Motion to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody under 28 U.S.C. § 2255. [Doc. 280].

The instant § 2255 Motion to Vacate was docketed on June 7, 2024. The § 2255 Motion to Vacate it is signed "Phillip Godfrey by Tammie Hoke." [Id. at 12]. Ms. Hoke states that she is the Defendant's "fiancé and his power of attorney," and that she has worked on the Motion to Vacate for the Defendant "because he has a learning impairment and has trouble writing and spelling." [Id. at 10, 12] (errors uncorrected).

The Rules Governing § 2255 Proceedings provide that a Motion to Vacate must be signed under penalty of perjury "by the movant or by a person authorized to sign it for the movant." Rule 2(b)(5), 28 U.S.C. foll. § 2255; see 28 U.S.C. § 1746. Here, it is unclear that he has authorized Ms. Hoke to do so on his behalf, and it appears that the Defendant is capable of verifying the Motion to Vacate himself. The Defendant shall, within fourteen (14) days of this Order, verify the § 2255 Motion to Vacate using the Verification form attached to this Order. The Defendant is cautioned that failure to timely comply with this Order will likely result in the dismissal of the Motion to Vacate without further notice.

IT IS, THEREFORE, ORDERED that Defendant shall verify the Motion to Vacate [Doc. 280] within fourteen (14) days in accordance with this Order. Should the Defendant fail to comply, the Motion to Vacate may be dismissed without further notice.

The Clerk is respectfully instructed to mail the Defendant a copy of this Order and the attached Verification form.

IT IS SO ORDERED.

Signed: June 14, 2024

Kenneth D. Bell

United States District Judge

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UNITED STATES OF AMERICA,)
Plaintiff,))
vs.	VERIFICATION
PHILLIP ANTHONY GODFREY,))
Defendant.)))
Pursuant to Rule 2(b)(5) of the Ru	ules Governing § 2255 Proceedings, I declare (or certify,
verify, or state) under penalty of perjury	that the § 2255 Motion to Vacate [Doc. 280], which I
failed to verify, is true and correct.	
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Phi	llip Anthony Godfrey
Exe	ecuted on (Date)